

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

ROYAL BANK OF CANADA, individually and
as successor in interest to Royal Bank of Canada
(Asia) Limited; GUERNROY LIMITED; RBC
TRUST COMPANY (JERSEY) LIMITED;
BANQUE SYZ S.A., as successor in interest to
Royal Bank of Canada (Suisse) S.A.; RBC
DOMINION SECURITIES INC.; and RBC
ALTERNATIVE ASSETS, L.P.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01699 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendants Royal Bank of

Canada (individually and as successor in interest to Royal Bank of Canada (Asia) Limited); Guernroy Limited; RBC Trust Company (Jersey) Limited; Banque SYZ S.A. (as successor in interest to Royal Bank of Canada (Suisse) S.A.); RBC Dominion Securities Inc.; and RBC Alternative Assets, L.P. (“Defendants,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on March 24, 2022, the Court entered a stipulation and order setting a schedule for the Trustee to file his Amended Complaint and for briefing on Defendants’ motion to dismiss the Amended Complaint (the “Briefing Stipulation”) [ECF No. 143];

WHEREAS, pursuant to the Briefing Stipulation, on May 3, 2022, the Trustee filed the Amended Complaint [ECF No. 145];

WHEREAS, on June 30, 2022, the Court entered a stipulation and order amending the Briefing Stipulation (the “Amended Briefing Stipulation”) [ECF No. 152];

WHEREAS, pursuant to the Amended Briefing Stipulation, on July 8, 2022, Defendants filed their motion to dismiss the Amended Complaint [ECF No. 153], with a supporting declaration of Anthony L. Paccione [ECF No. 154] and a supporting memorandum of law [ECF No. 155] (the “Motion”); and on September 9, the Trustee filed an opposition to the Motion (the “Opposition”) [ECF No. 158];

WHEREAS, on September 29, 2022, this Court entered a stipulation and order extending Defendants’ time to file their reply brief in further support of the Motion [ECF No. 160]; and on October 17, 2022, Defendants filed their reply [ECF No. 162], with a supporting declaration of Anthony L. Paccione [ECF No. 163] (the “Reply,” and together with the Motion and the Opposition, the “Briefing”);

WHEREAS, on November 30, 2022, this Court entered a stipulation and order adjourning the hearing on the Motion from December 14, 2022 to January 18, 2023, at 10:00 a.m. (prevailing Eastern time) [ECF No. 165]; and

WHEREAS, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 a.m. on January 18, 2023 to consider the Motion is hereby cancelled and removed from the Court's calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: January 5, 2023
New York, New York

/s/ Howard L. Simon
Windels Marx Lane & Mittendorf, LLP

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*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff*

SO ORDERED.

/s/ Anthony L. Paccione
Katten Muchin Rosenman LLP

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Attorneys for Defendants

**Dated: January 9, 2023
Poughkeepsie, New York**

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/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**